

WOLFEBORO POLICE DEPARTMENT

SOP 4.15

Date Issued: 12/27/2019

Review: 03/05/2021

[Note: This written directive is for the internal governance of the Wolfeboro Police Department and, as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.]

By Order of:
Dean J. Rondeau, Chief of Police

VEHICLE INVENTORY

Policy

It is the policy of the Wolfeboro Police Department to conduct a thorough inventory examination of all vehicles taken into custody pursuant to the arrest or detention of the operator, or when the vehicle is towed for any other lawful purpose. The inventory examination will be completed by the officer seizing the vehicle, or another officer assigned by the supervisor and will include the opening of closed and locked containers and the listing of their contents.

Purpose

The purpose of these guidelines is as follows:

To provide officers with guidelines for inventorying and disposing of vehicles and/or their contents taken into custody as a result of department activities.

To minimize the potential civil liability of the department, the town, and/or the officers for claims arising out of the loss, theft, unnecessary damage of property or injury to offenders, officers, tow operators, criminal associates, or the public. To maintain the integrity of and public confidence in the Wolfeboro Police Department.

Nothing in this policy prevents an officer from searching or seizing a vehicle or its contents when that search or seizure is otherwise authorized or permitted by fourth amendment principles (other than the inventory exception to the warrant requirement). Any vehicle that is impounded or taken into custody as a result of such seizure shall also be inventoried pursuant to this policy.

SOP 4.15
VEHICLE INVENTORY

Responsibilities Wolfeboro Police Officers shall not conduct an inventory search of vehicles being towed:

1. At the request of the owner/operator when the vehicle is disabled, or
2. At the request of the Wolfeboro Department of Public Works or the State Highway Department for snow removal, or
3. At the request of the Wolfeboro Department of Public Works or the State Highway Department to remove a disabled vehicle from blocking the travel portion of a way.

Action

Whenever and for whatever reason any vehicle is towed by a department-dispatched towing service or taken into custody at the direction of an officer, a report will be initiated.

Department-Dispatched Towing

When required, an investigating officer shall request a tow vehicle through Wolfeboro Central Dispatch. The request shall include the location of the vehicle, the make and registration of the vehicle, the need for special equipment (i.e. a dolly for a vehicle without wheels, a heavy tow vehicle for a tractor-trailer, etc.) and may include the reason why the tow request is being made.

Emergency Towing

Only a tow vehicle dispatched by the department shall be authorized to tow the vehicle. The only exceptions will be in an emergency situation where another tow vehicle is readily available or in those situations described below where a tow vehicle has been requested by the owner/operator.

Property Inventory--Locked/Closed Containers.

Since a primary purpose of having the vehicle towed or driven to a place of storage or department facility is to protect property from loss or damage, the officers shall carefully examine the vehicle either prior to its being towed or afterwards at the storage or impoundment area and inventory all property or items contained therein using a **Wolfeboro Police Department Vehicle Inventory** form. Suitcases, attach cases, pocketbooks, paper bags, and all other unlocked containers, whether open or closed, shall be examined, and the contents shall be examined and inventoried in writing.

SOP 4.15
VEHICLE INVENTORY

Locked containers shall also be opened, and their contents examined and inventoried. A locked container shall be opened in such a manner as to minimize damage. A written inventory of all items or property in/on the vehicle shall be made by the inventorying officers. If valuable, readily removable property such as cameras, radios, sporting equipment, or expensive clothing is observed, it should be secured for safe keeping.

Under some conditions, the locked trunk of the vehicle may be enough for protection of valuable personal property, and under other conditions, it may be necessary to remove the property to a law enforcement facility for temporary security. This decision shall be made by the inventorying officers or a supervisor. The spare tire and other vehicle equipment do not have to be removed if the officer records their presence on the written inventory.

Scope of Inventory Examination

The scope of the inventory examination shall be limited as follows:

The scope of the inventory examination for property shall be restricted to those areas where a person may ordinarily be expected to store or inadvertently leave belongings, such as floor, glove compartment, door pockets, trunk, dashboard, and on, under, and behind seats, folds of seats or in containers found in/on the vehicle.

If, while conducting an inventory examination, contraband or other incriminating evidence is discovered, those items may be seized as evidence under the plain view doctrine if there is probable cause to believe that the items are contraband or evidence of a crime.

Owner/Operator Arrested/Incapacitated

When the owner/operator in possession of a vehicle is arrested for an offense or is physically unable to continue operating the vehicle, and the vehicle is not required as evidence and need not be impounded for any other reason, an investigating officer will adhere to the following procedures:

Note: Arresting officers shall adhere to the Sterndale Decision as applicable.

Advise the owner/operator that they may release the vehicle to a licensed driver who is willing and able to assume full responsibility for the vehicle and all property contained therein. No person may take responsibility for a motor vehicle if they are under the influence of any intoxicating liquor or drugs or is otherwise incapacitated.

Advise the owner/operator that they may secure the vehicle and allow it to remain at the scene on the conditions that it will be parked in an unrestricted parking area or other safe location and they agree to assume full responsibility for the vehicle and all property left therein. The owner/operator shall also be advised that if the vehicle is left unattended and

SOP 4.15
VEHICLE INVENTORY

becomes a traffic hazard, then it may be towed by a department dispatched tow vehicle at their own expense.

If the owner/operator chooses not to release the vehicle to a third party, or is not competent or is otherwise unable to make disposition of the vehicle, or will not agree to secure the vehicle in an unrestricted parking area or other safe location and to assume full responsibility for the vehicle and property left therein, the vehicle shall be removed by a department-dispatched tow vehicle at their own expense.

Recovered Stolen/Wanted Vehicles

When a vehicle, for which there is probable cause to believe it has been stolen, or used without the authority of the owner, or used in connection with a criminal offense is recovered, the investigating officers will:

If necessary and feasible, arrange for the vehicle to be processed at the place of recovery.

If there is no reason for holding the vehicle, release it directly to an authorized person.

If the owner of the vehicle or other authorized person is not available, and there is no reason for holding the vehicle, request the nearest, approved tow service for removal and storage. In this case, the officer shall prepare a written inventory of the vehicle.

If the vehicle must be retained as evidence or for further processing, it should be removed to a department approved facility and kept there in a secure location until such time as it is no longer needed as evidence or for safeguarding the chain of custody of evidence.

When it is not possible to drive the vehicle from its place of recovery to a department facility, (i.e. may destroy identification evidence), the investigating officers shall arrange for such removal by a department-dispatched tow vehicle and follow the vehicle as it is being towed to its destination.

When a vehicle is being towed to a department approved facility to be retained as evidence or for further processing, the investigating officers will remain in constructive custody of the vehicle. In this instance, it will not be necessary for the tow truck operator to sign a receipt for the vehicle.

Expenses Incurred

In all circumstances, even when a vehicle is towed by a department-dispatched towing service for impoundment so that the vehicle can be retained or searched for evidentiary purposes, the towing expense incurred will be the responsibility of the owner/operator.

**SOP 4.15
VEHICLE INVENTORY**

Notification Requirements

When a vehicle has been towed or taken into custody by authorization of Wolfeboro Police Officers, the officers shall notify the Chief of Police by email as soon as practical and in no instances later than 7:00 a.m. the next business day.

When a vehicle has been taken into custody and is potentially subject to state or federal forfeiture, the investigating officers shall notify the Chief of Police and Captain by email no later than 7:00 a.m. on the next business day.

The purpose of this motor vehicle inventory policy and of inventorying vehicles and their contents is NOT to locate evidence of criminal activity.